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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,790	11/15/2001	Joseph Celi JR.	BOC9-2001-0043 (290)	4880
40987	7590	06/16/2005	EXAMINER	
AKERMAN SENTERFITT				NGUYEN, QUYNH H
P. O. BOX 3188				ART UNIT
WEST PALM BEACH, FL 33402-3188				PAPER NUMBER
				2642

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,790	CELI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quynh H. Nguyen	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11/15/01 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 3/12/02.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claim 1 recites the limitations "conferencing an additional party into said voice browsing session, said conference ...". There are Lack clear antecedent basis for this limitation in the claim. Failure to make appropriate correction could lead to 35 USC § 112 rejections. For the purpose of examining, the limitation "conferencing said additional party into said voice browsing session, said conference..." will be interpreted as -- establishing a conference to conference said additional party into said voice browsing session, said conference... --.

Claim 7 has the same defect as claim 1.

Claim 3 recites the limitations "if said identifier...". There are Lack antecedent basis for this limitation in the claim. Failure to make appropriate correction could lead to 35 USC § 112 rejections. For the purpose of examining, the limitation "if said identifier..." will be interpreted as -- if an identifier... --

Claim 9 has the same defect as claim 3.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub.No: US 2002/0118808).

Regarding claim 1, Kelleher et al. teach the steps of: establishing a voice browsing session between a calling party (user 20a) and the voice browser (Fig. 1, voice browser 53); and establishing a conference to conference said additional party into the voice browsing session, said conference providing a voice communications link between the calling party and additional (page 3, [0021] and [0022]). Kelleher et al. further teach in the event that there are not enough users dialed into the conference (page 4, [0034], lines 11-16), hence the conference system receives an inbound call from users.

Kelleher et al. do not explicitly teach receiving an inbound call from an additional party.

It would have been obvious to one of ordinary skill in the art that there are two ways to establish or initiate a conference: the conference host dials out to connect users, or the users dial into the conference. The latter one is the prefer one in the present invention.

Regarding claims 2 and 8, Kelleher et al. teach the conferencing step conferences additional parties into the voice browsing session (page 2, [0022]).

Claim 7 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Kelleher et al. teach a machine-readable storage, having stored a computer program having a plurality of code sections executable by a machine (page

1, [0012], lines 10-19, page 3 [0013], conference client program 48, conference calling program 60).

3. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub.No: US 2002/0118808) in view of Dinwoodie (U.S.Patent 6,415,269).

Regarding claims 3 and 9, Kelleher et al. teach providing an identifier associated with said additional party from the voice browser to the conferencing component (page 2, [0017], lines 1-13); and initiating an outbound call from the conferencing component to the additional party (page 3, [0022], lines 9-15).

Kelleher et al. do not teach determining whether the inbound call is associated with an active voice browsing session; and if an identifier is associated with an active voice browsing session, routing the inbound call to the voice browser associated with the active voice browsing session.

Dinwoodie teaches an inbound call to an auction site (col. 4, lines 4-5) and if caller or participant is identified then the participant was put in the bidding system (col. 4, lines 15-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the inbound call to a conference system, as taught by Dinwoodie, in Kelleher's system thus making the voice browsing conference system more efficient by handling both outbound call from the voice browsing session and inbound call to the voice browsing session.

Claims 4 and 10 are rejected for the same reasons as discussed above with respect to claims 3 and 9. Furthermore, Dinwoodie teaches the inbound call is configured for multiple callers (Fig. 1, 12a-12n).

4. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub. No: US 2002/0118808) in view of Dinwoodie (U.S. Patent 6,415,269) and further in view of Rabenko et al. (U.S. Patent 6,765,931).

Claims 5-6 and 11-12 are rejected for the same reasons as discussed with respect to claims 1 and 2. Kelleher and Dinwoodie do not teach aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream.

Rabenko et al. teach aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream (col. 69, line 51 through col. 70, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream, as taught by Rabenko, in Kelleher's and Dinwoodie's systems in order to establish a conference call. This is the obvious and only way to establish conference call so that all participants can listen and participate to a single voice data stream.

***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-3, 5-9, and 11-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 9-13 of copending Application No. 10/003789. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application present the method of call conferencing inbound call from an additional caller into an established voice browsing session. Claims 1-3, 5-9, and 11-12 of the instant application substantially correspond to claims 1-5 and 9-13 respectively, of the copending Application No. 10/003789. The common subject matter claimed above includes a method of call conferencing using a voice browser comprising: establishing a voice browsing session between a calling party and the voice browser; and conferencing the additional party into the voice browsing session, the conference providing a voice communications link between the calling party and the additional party. The different between the instant application and the copending application is in

the instant application receiving an inbound call from an additional party, and conferencing the additional party into the voice browsing session; while in the copending application initiating an outbound call from the conferencing component to the additional party. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conferencing system using a voice browser to conference in an inbound call from an additional party thus making the system more efficient by conferencing both outbound call from the conferencing component and inbound call from the additional party.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Quynh H. Nguyen*

**Quynh H. Nguyen  
Patent Examiner  
Art Unit 2642**